

OMB approval. However, the Commission is sending a copy to OMB for informational purposes only.

## IX. Environmental Statement

Commission regulations require that an environmental assessment or an environmental impact statement be prepared for any Commission action that may have a significant adverse effect on the human environment.<sup>12</sup> No environmental consideration is necessary for the promulgation of a rule that involves information gathering, analysis and dissemination.<sup>13</sup> The final rule only affects the way in which the Commission gathers information. Accordingly, no environmental consideration is necessary.

## X. Effective Date

This final rule is effective February 6, 1995.

## List of Subjects

### 18 CFR Part 141

Electric power, Reporting and recordkeeping requirements.

### 18 CFR 375

Authority delegations (Government agencies), Seals and insignia, Sunshine Act.

### 18 CFR Part 385

Administrative practice and procedure, Electric power, Penalties, Pipelines, Reporting and recordkeeping requirements.

By the Commission.

**Lois D. Cashell,**  
Secretary.

In consideration of the foregoing, the Commission amends Parts 141, 375 and 385 in Chapter I, Title 18, *Code of Federal Regulations*, as set forth below.

## PART 141—STATEMENTS AND REPORTS (SCHEDULES)

1. The authority citation for Part 141 continues to read as follows:

**Authority:** 15 U.S.C. 79; 16 U.S.C. 791a–828c, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352.

2. In § 141.1, the heading of paragraph (b) is revised and paragraph (b)(2) is revised to read as follows:

**§ 141.1 FERC Form No. 1, Annual report of Major electric utilities, licensees and others.**

\* \* \* \* \*

<sup>12</sup> Regulations Implementing National Environmental Policy Act, 52 FR 47897 (Dec. 17, 1987); FERC Stats. & Regs. Regulations Preambles 1986–90 ¶ 30,783 (1987).

<sup>13</sup> 18 CFR 380.4(a)(5).

## (b) Filing requirements.

\* \* \* \* \*

(2) *When to file and what to file.* This report form shall be filed on or before April 30 of each year for the previous calendar year. This report form must be filed as prescribed in § 385.2011 of this chapter and as indicated in the general instructions set out in this report form, and must be properly completed and verified. Filing on electronic media pursuant to § 385.2011 of this chapter will be required commencing with report year 1994, due on or before April 30, 1995.

## PART 375—THE COMMISSION

3. The authority citation for Part 375 is revised to read as follows:

**Authority:** 5 U.S.C. 551–557; 15 U.S.C. 717–717w, 3301–3432; 16 U.S.C. 791–825r, 2601–2645; 42 U.S.C. 7101–7352.

4. Section 375.303 is amended by revising paragraph (l) to read as follows:

### § 375.303 Delegations to the Chief Accountant.

\* \* \* \* \*

(1) Deny or grant, in whole or part, requests for waiver of the requirements for statements or reports under § 141.1 of this chapter (FERC Form No. 1, Annual Report of Major electric utilities, licensees and others) and § 141.2 of this chapter (FERC Form No. 1–F, Annual report for Nonmajor public utilities and licensees), and of the filing of FERC Form No. 1 on electronic media (§ 385.2011 of this chapter, Procedures for filing on electronic media, paragraphs (a)(6), (c), and (e)).

## PART 385—RULES OF PRACTICE AND PROCEDURE

5. The authority citation for Part 385 continues to read as follows:

**Authority:** 5 U.S.C. 551–557; 15 U.S.C. 717–717z, 3301–3432; 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352; 49 U.S.C. 60502; 49 App. U.S.C. 1–85.

6. Section 385.2011 is amended by revising the heading, by adding paragraph (a)(6) and by revising paragraphs (c)(3), (e)(1), (e)(2) and (e)(4) to read as follows:

### § 385.2011 Procedures for filing on electronic media (Rule 2011).

(a) \* \* \*

(6) FERC Form No. 1, Annual report of Major electric utilities, licensees and others.

\* \* \* \* \*

(c) \* \* \*

(3) The electronic media must be accompanied by the traditional prescribed number of paper copies.

\* \* \* \* \*

(e) *Waiver*—(1) *Filing of petition.* If a natural gas company, electric utility, licensee or other entity does not have and is unable to acquire the computer capability to file the information required to be filed on electronic media, the company may request waiver from the requirement of this part, by filing an original and two copies of a petition. The natural gas company, electric utility, licensee or other entity may renew the waiver if the company can continue to show that it does not have and is unable to acquire the computer capability for electric filing.

(2) *Standard for waiver.* The petition for waiver must show that the natural gas company, electric utility, licensee or other entity does not have the computer capability to file the information required under this section on electronic media and that acquisition of the capability would cause the company severe economic hardship. This waiver may be granted for up to one year.

\* \* \* \* \*

(4) *Decision on petition.* The Commission or its designee will review a petition for waiver and notify the applicant of its grant or denial. Once the petition is decided, the natural gas company, electric utility, licensee or other entity will have 30 days from the date of notification of the decision to submit any information, in the manner specified by the Commission in the decision on the waiver petition, that was required to be filed while the petition was pending.

[FR Doc. 95–263 Filed 1–4–95; 8:45 am]

BILLING CODE 6717–01–P

## 18 CFR Part 284

[Docket No. RM93–4–006; Order No. 563–D]

## Standards for Electronic Bulletin Boards Required Under Part 284 Of The Commission's Regulations

Issued December 29, 1994.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Final rule; Order modifying capacity release data sets.

**SUMMARY:** In response to a proposed modification submitted by the Electronic Bulletin Board Working Group, the Federal Energy Regulatory Commission (Commission) is issuing an order making changes to the capacity release data sets. The Commission's order revises its "Standardized Data

Sets and Communication Protocols," available at the Commission's Public Reference and Files Maintenance Branch, to add two fields in the Award Data Set for reporting the maximum natural gas pipeline tariff rate related to released capacity. With the electronic data on maximum rates, the Commission can use computers to automatically evaluate the relationship between release and maximum rates.

**DATES:** New fields must be implemented by February 1, 1995.

**ADDRESSES:** Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426.

**FOR FURTHER INFORMATION CONTACT:**

Michael Goldenberg, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 208-2294

Marvin Rosenberg, Office of Economic Policy, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 208-1283

Brooks Carter, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 208-0292

**SUPPLEMENTARY INFORMATION:** In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in room 3104, 941 North Capitol Street NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208-1397. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400, 1200 or 300bps, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this document will be available on CIPS for 60 days from the date of issuance in ASCII and WordPerfect 5.1 format. After 60 days the document will be archived, but still accessible. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in room 3104, 941 North Capitol Street, NE., Washington, DC 20426.

Before Commissioners: Elizabeth Anne Moler, Chair; Vicky A. Bailey, James J.

Hoecker, William L. Massey, and Donald F. Santa, Jr.

Standards For Electronic Bulletin Boards Required Under Part 284 Of The Commission's Regulations; Docket No. RM93-4-006.

**Order No. 563-D; Order Modifying Capacity Release Data Sets**

Issued December 29, 1994.

On November 4, 1994, the Electronic Bulletin Board (EBB) Working Group submitted a proposed modification of the capacity release data sets adopted by the Commission in Order No. 563.<sup>1</sup> The approved data sets are included in a document entitled "Standardized Data Sets and Communication Protocols," available at the Commission's Public Reference and Files Maintenance Branch.

The Working Group states that to accommodate a suggestion from Commission staff at the August 11, 1994 conference, it is proposing to add fields in the Award Data Set for reporting the maximum tariff rate for service relating to capacity posted for release at the time the offer to release is made. The proposed fields would report the maximum reservation rate and maximum volumetric rate for released capacity. The Working Group proposes to make these fields optional, because pipelines tariffs do not currently require posting of maximum rate.<sup>2</sup> The filing also contains proposed revisions to the Electronic Data Interchange (EDI) implementation guide relating to this change.

Pursuant to the process adopted by the Commission to make modifications to the data sets,<sup>3</sup> public notice of the filing was issued on November 17, 1994, with comments due by November 29, 1994. Panhandle Eastern Pipelines<sup>4</sup> filed a comment supporting the data sets as submitted. They request implementation not be required earlier than February 1, 1995, because during December and January, many pipelines' computer staffs are occupied with the tasks of beta-testing EDI confirmation and nomination data sets and finalizing

transaction point information for the PI Grid Common Code Data Base.

The National Registry of Capacity Rights, Inc. (Registry) supports the Working Group filing, but contends that the maximum rate fields be made mandatory to ensure that the data is provided by all pipelines. The Registry states that due to the operating principle within the Working Group of requiring 100% consensus in support of a proposed change, consensus could not be reached for requiring that the fields be mandatory. The Registry further states that, based on its experience with EDI data, retention of optional status for these fields will mean that the maximum rate information will not be included in many instances. The Registry maintains that changing to mandatory status would require no substantive change in the data sets or implementation guide; the only change would be redesignate the fields as mandatory.

The Commission will accept the additional fields, but will require the fields to be mandatory, so that all pipelines will be required to include them. Having electronically transmitted data on the maximum rate for releases on all pipelines in the Award Data Set is important for the Commission, as well as the other members of the gas industry, to be able to efficiently evaluate the capacity release market by determining the extent to which capacity releases are discounted from maximum rates. With the electronic data on maximum rates, the Commission can use computers to automatically evaluate the relationship between release and maximum rates. Without electronic data, Commission staff would have to determine the maximum release rate for each release from the pipelines' individual tariffs and manually enter that information in its computer data base. Given the large number of capacity release offers and the difficulty in ascertaining the maximum rate that will apply to each release, manual entry would prove to be very tedious and time consuming.<sup>5</sup>

For those pipelines that do not already include maximum rate information on their EBBs, the burden of adding this data should not be significant. All pipelines must know (and in many cases will already have

<sup>1</sup> Standards For Electronic Bulletin Boards Required Under Part 284 of the Commission's Regulations, Order No. 563, 59 FR 516 (Jan. 5, 1994), III FERC Stats. & Regs. Preambles ¶ 30,988 (Dec. 23, 1993), *order on reh'g*, Order No. 563-A, 59 FR 23624 (May 6, 1994), III FERC Stats. & Regs. Preambles ¶ 30,994 (May 2, 1994), *reh'g denied*, Order No. 563-B, 68 FERC ¶ 61,002 (1994).

<sup>2</sup> Optional means the pipeline must include the field only if the pipeline chooses to do so or its tariff requires it to include the information.

<sup>3</sup> Order No. 563-A, III FERC Stats. & Regs. Preambles at 31,036-37.

<sup>4</sup> Algonquin Gas Transmission Company, Panhandle Eastern Pipe Line Company, Texas Eastern Transmission Corporation, and Trunkline Gas Company.

<sup>5</sup> There are number of factors that make computation of maximum rates for specific releases difficult. For example, many pipelines have a significant number of rate zones, with the maximum rate depending on the number of zones the release crosses. In addition, surcharges and other requirements in pipeline tariffs may affect the maximum rate. Maximum rates also will change each time a pipeline makes a tariff filing to revise its rates.

computerized) the maximum rate information so that they can verify that bids for release packages do not exceed the maximum rate.

Pipelines will be required to implement the new fields by February 1, 1995. The "Standardized Data Sets and Communication Protocols" will be modified to include the new fields and will be made available at the Commission's Public Reference and Files Maintenance Branch.

#### *The Commission Orders*

(A) The Commission will accept the proposed fields for maximum reservation rate and maximum volumetric rate and the related EDI implementation guide changes as proposed in the November 4, 1994 filing with the modification that the maximum rate fields will be mandatory.

(B) Pipelines must implement these new fields by February 1, 1995.

By the Commission.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 95-264 Filed 1-4-95; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Parts 43a, 112, and 113

[DoD Directive 1344.9 and DoD Instruction 1344.12]

RIN 0790-AF65 and RIN 0790-AF80

#### Indebtedness of Military Personnel

**AGENCY:** Office of the Secretary, Department of Defense.

**ACTION:** Final rule.

**SUMMARY:** 5 U.S.C. 5520a(k) required the Department of Defense to "promulgate regulations" by April 4, 1994 for the involuntary allotment of pay from members of the Armed Forces for debts reduced to judgments. The Department published its proposed rule in the **Federal Register** on April 26, 1994 (59 FR 21713). This final rule satisfies 5 U.S.C. 5520a(k) by promulgating regulations with regard to members of the Armed Forces which include provisions for the involuntary allotment of the pay of a member of the Armed Forces for indebtedness owed a third party as determined by the final judgment of a court of competent jurisdiction, and as further determined by competent military or executive authority, as appropriate, to be in compliance with the procedural requirements of the Soldiers' and

Sailors' Civil Relief Act of 1940; and which gives consideration for the absence of a member of the Armed Forces from an appearance in a judicial proceeding resulting from exigencies of military duty.

**EFFECTIVE DATE:** January 1, 1995.

**FOR FURTHER INFORMATION CONTACT:** Major Alan L. Cook, (703) 697-3387.

**SUPPLEMENTARY INFORMATION:** Following publication of the Department of Defense's proposed rule, the Department received several public comments. After review of the comments, the Department amended its proposed rule accordingly. Some of the major changes included increasing the percentage of a member's pay that could be collected by a debtor pursuant to an involuntary allotment; deleting the requirement that a judgment could not be more than two years old in order for the Department to process an involuntary allotment request; and establishing appeal procedures for debtors from determinations by commanders that preclude collection by involuntary allotment because of exigencies of military duties. Additionally, the Coast Guard coordinated with the Department of Defense to be included in the regulations published by the Department of Defense. Note, the Department originally intended to publish its final regulation, which included both policy and procedural provisions, in the form of a DoD directive. However, due to internal Department of Defense guidance published in DoD 5025.1-M<sup>1</sup> (August 1994), directives may no longer include procedures. The procedures that were contained in the proposed rule have been placed in a DoD instruction. Accordingly, the final rule is now in two parts. The first part, 32 CFR part 112, is based on the DoD directive that contains broad policy guidance. The second part, 32 CFR part 113, reflects the DoD instruction and contains the Department's procedural guidance. The substance of both parts are derived from the proposed rule as originally published on April 26. Additionally, it has been determined that 32 CFR parts 112 and 113 are not significant regulation actions. The rules do not: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or

otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order. It has also been determined that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it will not have a significant adverse economic impact on a substantial number of small entities. The primary financial effect on administering the rule will be a reduction in administrative costs and other burdens resulting from the simplification and clarification of certain policies. Additionally, it has been determined that 32 CFR part 112 does not impose any reporting or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520). 32 CFR part 113 imposes an information collection requirement for which the paperwork has been completed. The OMB approval number is 0704-0367. Specifically, OMB provided their approval for the collection of information required by DD Form 2653, appendix C to 32 CFR part 113, that was originally intended to be included in the DoD directive but had to be moved to the DoD instruction (for internal reasons as noted above). Finally, application forms for involuntary allotment (DD Form 2653, "Involuntary Allotment Application," as described in 32 CFR part 113, appendix C) may be obtained from the Defense Finance and Accounting Service, Cleveland Center, Code L, PO Box 998002, Cleveland, Ohio 44199-8002, telephone (216) 522-5301.

#### **List of Subjects in 32 CFR Parts 43a, 112 and 113**

Claims, Credit, Military personnel.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

Accordingly, under the authority of 10 U.S.C. 301, Title 32 of the Code of Federal Regulations, Chapter I, Subchapter C, is amended to read as follows:

Dated: December 28, 1994.

#### **PART 43a—[REMOVED]**

1. Part 43a is removed.

2. 32 CFR parts 112 and 113 are added to read as follows:

<sup>1</sup> Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.